

**Department of State Health Services
Council Agenda Memo for State Health Services Council
May 18 - 19, 2016**

Agenda Item Title: Amendment to a rule concerning reptile-associated salmonellosis.

Agenda Number: 3.h.

Recommended Council Action:

☐ For Discussion Only

☒ For Discussion and Action by the Council

Background:

The Zoonosis Control Branch, located in the Infectious Disease Control Unit/Infectious Disease Prevention Section of Division for Disease Control and Prevention Services, promotes public health through the prevention and control of zoonotic diseases, which are diseases transmitted to humans from animal reservoirs. Zoonotic diseases encompass many of the most dangerous disease threats to humans and, worldwide, make up approximately two-thirds of emerging diseases. Zoonoses present in Texas include anthrax, hantavirus, Lyme disease, plague, rabies, tularemia, West Nile virus, and many others.

Health and Safety Code, Section 81.352, requires that retail pet stores post signs for and distribute written warnings to purchasers of reptiles concerning salmonellosis. The Executive Commissioner oversees the rule that provides specifications for these signs and written warnings.

The program is funded through General Revenue.

Summary:

The purpose of the amendment is to increase public awareness of the risk involved with having reptiles as pets as it pertains to reptile-associated salmonellosis. The amendment allows for consistency with the Centers for Disease Control and Prevention (CDC) recommendations for preventing transmission of *Salmonella* from reptiles to humans; clarifies the requirements for retailers to post warning signs and distribute written warnings to inform purchasers that reptiles may carry *Salmonella* bacteria in accordance with Health and Safety Code, Chapter 81; and allows improved readability and comprehension of required recommendations.

The amendment also complies with the four-year review of agency rules required by Government Code, Section 2001.039.

Key Health Measures:

Reptiles, like turtles, lizards, and snakes, might have *Salmonella* on their bodies, even though they appear healthy and clean. Anything reptiles touch should be considered possibly contaminated with *Salmonella*, which can cause serious illness in people.

Salmonella infections usually cause gastroenteritis, but they can result in invasive illness, especially in children and immunocompromised individuals. According to the CDC, reptiles have been known to be a source of salmonellosis for decades, and numerous reptile owners are unaware of the risk. Therefore, the CDC has developed guidelines for the prevention of salmonellosis through contact with reptiles.

Ensuring the consistency of signage with what is recommended by the CDC and clarifying the written warning to be distributed to purchasers is expected to minimize the risk of transmittal of disease from reptiles to humans. From 2011-2015, DSHS investigated 13 salmonellosis clusters (a total of 82 cases) that were associated with reptiles.

Summary of Input from Stakeholder Groups:

Input was sought from the statewide DSHS Zoonosis Control staff, Texas Veterinary Medical Association, Texas State Board of Veterinary Medical Examiners, Texas Municipal League, Texas Federation of Animal Care Societies, Texas Humane Legislative Network, U.S. Department of Agriculture Animal and Plant Health Inspection Service, Texas Animal Control Association, and CDC. There is no anticipated controversy pertaining to this rule.

No recommendations for change were received from stakeholders.

Proposed Motion:

Motion to recommend HHSC approval for publication of rules contained in agenda item # 3.h.

Approved by Assistant Commissioner/Director: Janna Zumbrun **Date:** 4-7-16

Presenter: Tom Sidwa, DVM, MPH **Program:** Zoonosis Control Branch **Phone No.:** 512-776-6628

Approved by CCEA: Carolyn Bivens **Date:** 4/19/16

Title 25. HEALTH SERVICES
Part 1. DEPARTMENT OF STATE HEALTH SERVICES
Chapter 169. Zoonosis Control
Subchapter F. Reptile-Associated Salmonellosis
Amendment §169.121

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission, on behalf of the Department of State Health Services (department), proposes an amendment to §169.121, concerning reptile-associated salmonellosis.

BACKGROUND AND PURPOSE

The amendment is necessary to comply with Health and Safety Code, Chapter 81, Subchapter I, “Animal-Borne Diseases,” which requires retail pet stores to post signs and distribute warnings relating to reptile-associated salmonellosis to purchasers of reptiles. The signs and warnings are to be in accordance with the form and content designated by the Executive Commissioner.

Government Code, §2001.039, requires that each state agency review and consider for re-adoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Section 169.121 has been reviewed and the department has determined that reasons for adopting the section continue to exist because a rule on this subject is required by statute and provides guidance to retail pet stores.

SECTION-BY-SECTION SUMMARY

The amendment to §169.121 allows for consistency with the Centers for Disease Control and Prevention recommendations for preventing transmission of *Salmonella* from reptiles to humans. The amendment clarifies the requirements for retailers to post warning signs and distribute written warnings to inform purchasers that reptiles may carry *Salmonella* bacteria in accordance with Health and Safety Code, Chapter 81. This amendment also allows improved readability and comprehension of required recommendations.

FISCAL NOTE

Ms. Imelda Garcia, Director, Infectious Disease Prevention Section, has determined that for each year of the first five years that the section will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the section as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Garcia has also determined that there will be no adverse impact on small businesses or micro-businesses required to comply with the section as proposed. This was determined by interpretation of the rule that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the section. Therefore, an economic impact statement and regulatory flexibility analysis for small and micro-businesses are not required.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Ms. Garcia has also determined that for each year of the first five years the section is in effect, the public will benefit from adoption of the section. The public benefit anticipated as a result of enforcing or administering the section will be the increased public awareness of the risk involved with having reptiles as pets as it pertains to reptile-associated salmonellosis.

REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed amendment does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Tom Sidwa, DVM, MPH, Department of State Health Services, Infectious Disease Prevention Section, Zoonosis Control Branch, MC 1956, P. O. Box 149347, Austin, Texas 78714-9347, or by email to Tom.Sidwa@dshs.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the proposed rule has been reviewed by legal counsel and found to be within the state agencies' authority to adopt.

STATUTORY AUTHORITY

The amendment is authorized by Health and Safety Code, §81.004, which provides the Executive Commissioner with the authority to adopt rules necessary for the effective administration and implementation of the Communicable Disease Prevention and Control Act; Health and Safety Code, §81.352, which requires the Executive Commissioner to adopt a rule governing the form and content of the sign and written warning relating to reptile-associated salmonellosis; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001. Review of the rule implements Government Code, §2001.039.

The amendment affects Health and Safety Code, Chapters 81 and 1001; and Government Code, Chapters 531 and 2001.

Legend: (Proposed Amendment(s))

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§169.121. Reptile-Associated Salmonellosis.

(a) The Texas Health and Safety Code, §81.352, requires retail stores that sell reptiles to post warning signs and distribute written warnings regarding reptile-associated salmonellosis to purchasers in accordance with the form and content designated by the Executive Commissioner **[Department of State Health Services]**.

(b) The warning signs must meet the following guidelines.

(1) - (2) (No change.)

(3) At a minimum, the contents of the sign must include the following recommendations for preventing transmission of *Salmonella* from reptiles to humans.

(A) Wash your **[Persons should always wash their]** hands thoroughly with soap and running water after feeding reptiles, handling reptiles or reptile cages, or contacting **[after contact with]** reptile feces or the water from reptile containers or aquariums. If soap and water are not immediately available, use a hand sanitizer and then wash your hands with soap and water as soon as possible. Wash your hands before you touch your mouth and before you prepare, serve, or consume food or drinks. Adults should supervise hand washing for young children.

(B) Avoid contact with reptiles and any items that have been in contact with reptiles if you are a person **[Persons]** at increased risk for infection or serious complications of salmonellosis, which, for instance, includes **[such as]** children younger than 5 years of age, adults aged 65 or older **[the elderly]**, and persons whose immune systems have been weakened by pregnancy, disease (for example, cancer), or certain medical treatments or procedures (for example, chemotherapy or organ transplantations)**], should avoid contact with reptiles and any items that have been in contact with reptiles].** Keep reptiles out of households or facilities that include such at-risk persons. Consider removing any reptile from your residence and relocating it to a new home before a newborn baby is added to the household.

[(C) Reptiles should be kept out of households or facilities that include children younger than 5 years of age, the elderly, or persons whose immune systems have been weakened by pregnancy, disease (for example, cancer), or certain medical treatments (for example, chemotherapy). Families expecting a new child should remove any reptile from the home before the infant arrives.]

(C)[(D)] Do not allow reptiles **[Reptiles should not be allowed]** to roam freely throughout the home or living area. Wash and disinfect surfaces that a **[the]** reptile or its cage has contacted. Wash any clothing that a reptile has contacted.

(D)[(E)] Keep reptiles **[Reptiles should be kept]** out of kitchens and other areas where food or drink is stored, prepared, served, or consumed. Do not use kitchen **[Kitchen]** sinks **[should not be used]** to bathe reptiles or to wash their dishes, cages, or aquariums. If bathtubs are used for these purposes, clean them **[they should be cleaned]** thoroughly and disinfect them **[disinfected]** with

bleach. It is preferable to bathe reptiles in a container (such as a small tub or bin) designated for this use and to clean bathing containers, dishes, cages, or aquariums outside the house in a manner that prevents contact of the discarded material with other people and pets. Wear disposable gloves when washing bathing containers, [the] dishes, cages, or aquariums. Wash your hands after removing the gloves.

(4) (No change.)

(c) (No change.)